

STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

MARK F. WILLIAMS, SR., as Executor
of the Estate of FRANK L. WILLIAMS
5000 Printup Road
Sanborn, New York 14132

Plaintiff,

vs.

SUMMONS
Served with Complaint
Index #

SHERIDAN MANOR NURSING HOME
2799 Sheridan Drive
Tonawanda, New York 14150

SHERIDAN MANOR, LLC
2799 Sheridan Drive
Tonawanda, New York 14150

GOLDEN LIVING CENTERS, LLC
193 South Union Road
Williamsville, New York 14221

SAFIRE NORTHTOWNS NURSING HOME
2799 Sheridan Drive
Tonawanda, New York 14150

SAFIRE CARE LLC
193 South Union Road
Williamsville, New York 14221

SAFIRE REHABILITATION OF
NORTHTOWNS, LLC
2799 Sheridan Drive
Tonawanda, New York 14150

SOLOMON ABRAMCZYK
1119 E. 23rd Street
Brooklyn, New York 11210

JUDY LANDA
182 Briarwood Crossing
Lawrence, New York 11559

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ARYEH RICHARD PLATSCHEK
109 Lawrence Avenue
Lawrence, New York 11559

ROBERT SCHUCK
1091 E. 19th Street
Brooklyn, New York 11230

MOSHE STEINBERG
20 Esti Circle
Lakewood, New Jersey 08701

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED AND REQUIRED to serve upon the Plaintiff's attorneys, at the address stated below, a written Answer to the attached Complaint.

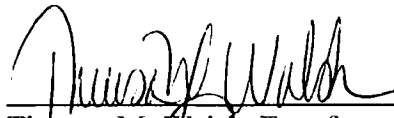
If this Summons is served upon you within the State of New York by personal service you must respond within **TWENTY (20)** days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York you must respond within **THIRTY (30)** days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie because of:

- ☐ Plaintiff's residence or place of business;
- ☒ Defendants' residence; or
- ☐ Designation made by Plaintiff.

DATED: Buffalo, New York
May 28, 2018


Theresa M. Walsh, Esq. for
BROWN CHIARI LLP
Attorneys for Plaintiff
2470 Walden Avenue
Buffalo, New York 14225
(716) 681-7190

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STATE OF NEW YORK :
SUPREME COURT : COUNTY OF ERIE

MARK F. WILLIAMS, SR., as Executor
of the Estate of FRANK L. WILLIAMS

Plaintiff,

vs.

COMPLAINT

Index # _____

SHERIDAN MANOR NURSING HOME;
SHERIDAN MANOR, LLC;
GOLDEN LIVING CENTERS, LLC;
SAFIRE NORTHTOWNS NURSING HOME;
SAFIRE CARE LLC;
SAFIRE REHABILITATION OF
NORTHTOWNS, LLC;
SOLOMON ABRAMCZYK;
JUDY LANDA;
ARYEH RICHARD PLATSCHEK;
ROBERT SCHUCK;
MOSHE STEINBERG

Defendants.

PLAINTIFF, MARK F. WILLIAMS, SR., as Executor of the Estate of FRANK L. WILLIAMS, by his attorneys, BROWN CHIARI LLP, for his Complaint in the above-entitled action, states as follows:

1. Plaintiff MARK F. WILLIAMS, SR., as Executor of the Estate of FRANK L. WILLIAMS, at all times herein mentioned, has been a resident of the County of Niagara, State of New York.

2. Plaintiff's decedent FRANK L. WILLIAMS died on December 21, 2016.

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3. On or about August 29, 2017, Letters Testamentary on the Estate of FRANK L. WILLIAMS were issued to MARK F. WILLIAMS, SR. by the Niagara County Surrogate's Court.

4. That upon information and belief, Defendant, SHERIDAN MANOR NURSING HOME, was a nursing home facility duly organized and existing by virtue of the laws of the State of New York, with offices for the transaction of business located at 2799 Sheridan Drive, Tonawanda, New York 14150.

5. Upon information and belief, Defendant, SHERIDAN MANOR, LLC, was and still is a domestic limited liability company duly organized and existing by virtue of the laws of the State of New York, with offices for the transaction of business located at 2799 Sheridan Drive, Tonawanda, New York 14150.

6. Upon information and belief, Defendant, GOLDEN LIVING CENTERS, LLC, is a domestic limited liability company incorporated under the laws of the State of New York, with offices for the transaction of business located at 193 South Union Road, Williamsville, New York 14221.

7. That upon information and belief, SHERIDAN MANOR NURSING HOME became known as SAFIRE NORTHTOWNS NURSING HOME, which was and still is a nursing home facility and/or corporation duly organized and existing by virtue of the laws of the State of New York, with offices for the transaction of business located at 2799 Sheridan Drive, Tonawanda, New York 14150.

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8. Upon information and belief, Defendant, SAFIRE CARE LLC, is a domestic limited liability company incorporated under the laws of the State of New York, with offices for the transaction of business located at 193 South Union Road, Williamsville, New York 14221.

9. Upon information and belief, Defendant, SAFIRE REHABILITATION OF NORTHTOWNS, LLC, is a domestic limited liability company incorporated under the laws of the State of New York, with offices for the transaction of business located at 2799 Sheridan Drive, Tonawanda, New York 14150.

10. Upon information and belief, at all relevant times herein, Defendants, SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; and/or SAFIRE REHABILITATION OF NORTHTOWNS, LLC were doing business as the nursing home formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, and transacted said business at 2799 Sheridan Drive, Tonawanda, New York 14150.

11. Upon information and belief, at all relevant times herein, Defendants, SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; and/or SAFIRE REHABILITATION OF NORTHTOWNS, LLC, owned, operated, managed, directed, administered, and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, its agents, servants, employees, and/or other resident care personnel.

12. Upon information and belief, at all relevant times herein, Defendant, SOLOMON ABRAMCZYK, is and/or was an owner, operator, manager, director, administrator and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

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13. Upon information and belief, at all relevant times herein, Defendant, SOLOMON ABRAMCZYK, is and/or was a controlling person of the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, pursuant to New York State Public Health Law §2808-a.

14. Upon information and belief, at all relevant times herein, Defendant, JUDY LANDA, is and/or was an owner, operator, manager, director, administrator and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

15. Upon information and belief, at all relevant times herein, Defendant, JUDY LANDA, is and/or was a controlling person of the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, pursuant to New York State Public Health Law §2808-a.

16. Upon information and belief, at all relevant times herein, Defendant, ARYEH RICHARD PLATSCHEK, is and/or was an owner, operator, manager, director, administrator and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

17. Upon information and belief, at all relevant times herein, Defendant, ARYEH RICHARD PLATSCHEK, is and/or was a controlling person of the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, pursuant to New York State Public Health Law §2808-a.

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18. Upon information and belief, at all relevant times herein, Defendant, ROBERT SCHUCK, is and/or was an owner, operator, manager, director, administrator and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

19. Upon information and belief, at all relevant times herein, Defendant, ROBERT SCHUCK, is and/or was a controlling person of the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, pursuant to New York State Public Health Law §2808-a.

20. Upon information and belief, at all relevant times herein, Defendant, MOSHE STEINBERG, is and/or was an owner, operator, manager, director, administrator and/or assumed responsibility for the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

21. Upon information and belief, at all relevant times herein, Defendant, MOSHE STEINBERG, is and/or was a controlling person of the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, pursuant to New York State Public Health Law §2808-a.

22. Upon information and belief, Defendants, SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME and/or SAFIRE REHABILITATION OF NORTHTOWNS, LLC, were participants in Medicaid and Medicare programs and, as such, were required to be in compliance with the federal requirements for long-term care as prescribed in the U.S. Code of Federal Regulations, 42 CFR §483.

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23. Upon information and belief, Defendants, SOLOMON ABRAMCZYK, JUDY LANDA, ARYEH RICHARD PLATSCHEK, ROBERT SCHUCK, and/or MOSHE STEINBERG, as owner(s), operator(s), manager(s), director(s), administrator(s) and/or responsible party(ies), participated in Medicaid and Medicare programs and, as such, was/were required to be in compliance with the federal requirements for long-term care as prescribed in the U.S. Code of Federal Regulations, 42 CFR §483.

AS AND FOR A FIRST CAUSE OF ACTION

24. Plaintiff repeats and realleges paragraphs 1 through 23, above.

25. Defendants, SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME; SAFIRE REHABILITATION OF NORTHTOWNS, LLC; SOLOMON ABRAMCZYK; JUDY LANDA; ARYEH RICHARD PLATSCHEK; ROBERT SCHUCK; and/or MOSHE STEINBERG, either singularly or collectively, agreed to provide nursing home services to Plaintiff's decedent FRANK L. WILLIAMS at the nursing home facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

26. Defendants, SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME; SAFIRE REHABILITATION OF NORTHTOWNS, LLC; SOLOMON ABRAMCZYK; JUDY LANDA; ARYEH RICHARD PLATSCHEK; ROBERT SCHUCK;

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and/or MOSHE STEINBERG; were negligent, careless, and reckless, thereby causing injury to Plaintiff's decedent FRANK L. WILLIAMS.

27. That by reason of the negligence of the Defendants, each of them individually, in combination, and/or through their various agents, servants, and/or employees, Plaintiff's decedent FRANK L. WILLIAMS, sustained various injuries, conscious pain and suffering, emotional distress, embarrassment, and deprivation of dignity and rights.

28. As a result of the foregoing, Plaintiff has been damaged in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

29. Plaintiff repeats and realleges paragraphs 1 through 28, above.

30. That Plaintiff's decedent FRANK L. WILLIAMS, a resident of the Defendants SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME; SAFIRE REHABILITATION OF NORTHTOWNS, LLC; SOLOMON ABRAMCZYK; JUDY LANDA; ARYEH RICHARD PLATSCHEK; ROBERT SCHUCK; and/or MOSHE STEINBERG's residential health care facility formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME, was deprived by said Defendants of his rights and benefits pursuant to §2801-d and §2803-c of the Public Health Law of the State of New York, as well as those rights and benefits established by the terms of all contracts between said Defendants and Plaintiff's decedent FRANK L. WILLIAMS.

31. The Defendants' conduct was in reckless disregard of the lawful rights of Plaintiff's decedent FRANK L. WILLIAMS.

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32. As a result of the foregoing, Plaintiff has been damaged in excess of the jurisdictional limits of all lower courts, that would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

33. Plaintiff repeats and realleges paragraphs 1 through 32, above.

34. That Plaintiff's decedent FRANK L. WILLIAMS was entitled to a dignified existence while a resident of the Defendants' facility, formerly known SHERIDAN MANOR NURSING HOME and presently known as SAFIRE NORTHTOWNS NURSING HOME.

35. That the Defendants' failed to protect and promote Plaintiff's decedent FRANK L. WILLIAMS' rights.

36. The Defendants' conduct was in reckless disregard of the rights of Plaintiff's decedent FRANK L. WILLIAMS.

37. As a result of the foregoing, Plaintiff has been damaged by the deprivation of dignity in excess of the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION

38. Plaintiff repeats and realleges paragraphs 1 through 37, above.

39. That on December 21, 2016, by reason of the negligence of the Defendants, SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME; SAFIRE REHABILITATION OF NORTHTOWNS, LLC; SOLOMON ABRAMCZYK; JUDY LANDA;

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ARYEH RICHARD PLATSCHEK; ROBERT SCHUCK; and MOSHE STEINBERG, each of them individually, in combination, and/or through their various agents, servants, and/or employees, Plaintiff's decedent, FRANK L. WILLIAMS was caused to suffer wrongful death.

40. As a result of the wrongful death of Plaintiff's decedent FRANK L. WILLIAMS, his distributees have been deprived of his services, guidance, and support and have sustained substantial pecuniary damage and loss, in all to their substantial damage.

41. The above claims for wrongful death are for sums in excess of the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

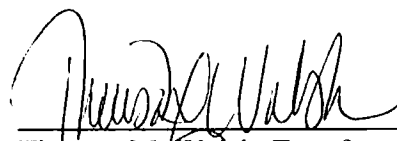
42. One or more exceptions set forth in CPLR §1602 apply herein; and specifically subsections 2, 5 and/or 7 thereof.

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WHEREFORE, Plaintiff MARK F. WILLIAMS, SR., as Executor of the Estate of FRANK L. WILLIAMS, for each cause of action herein, does hereby demand judgment against Defendants SHERIDAN MANOR NURSING HOME; SHERIDAN MANOR, LLC; GOLDEN LIVING CENTERS, LLC; SAFIRE CARE LLC; SAFIRE NORTHTOWNS NURSING HOME; SAFIRE REHABILITATION OF NORTHTOWNS, LLC; SOLOMON ABRAMCZYK; JUDY LANDA; ARYEH RICHARD PLATSCHEK; ROBERT SCHUCK; and MOSHE STEINBERG, jointly and severally, in a sum that exceeds the jurisdictional limitations of all lower courts that would otherwise have jurisdiction in this action; and in an amount in excess of the jurisdictional limits of all lower courts that would otherwise have jurisdiction for punitive damages, together with the costs and disbursements of this action.

DATED: Buffalo, New York
May 28, 2018



Theresa M. Walsh, Esq. for
BROWN CHIARI LLP
Attorneys for Plaintiff
2470 Walden Avenue
Buffalo, New York 14225
(716) 681-7190

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